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SENATE BILL 820

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO DOMESTIC VIOLENCE; INCREASING THE PERIOD OF
PROBATION FOR CERTAIN DOMESTIC VIOLENCE OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-3-15 NMSA 1978 (being Laws 1995,
Chapter 221, Section 6, as amended) is amended to read:

"30-3-15. BATTERY AGAINST A HOUSEHOLD MEMBER.--

A. Battery against a household member consists of
the unlawful, intentional touching or application of force to
the person of a household member, when done in a rude, insolent
or angry manner.

B. Whoever commits battery against a household
member is guilty of a misdemeanor.

C. Notwithstanding any provision of law to the
contrary, if a sentence imposed pursuant to this section is

underscored material = new
[bracketed material] = delete

1 suspended or deferred in whole or in part, the period of
2 probation may extend beyond three hundred sixty-four days but
3 may not exceed two years."

4 Section 2. Section 30-3-16 NMSA 1978 (being Laws 1995,
5 Chapter 221, Section 7) is amended to read:

6 "30-3-16. AGGRAVATED BATTERY AGAINST A HOUSEHOLD
7 MEMBER.--

8 A. Aggravated battery against a household member
9 consists of the unlawful touching or application of force to
10 the person of a household member with intent to injure that
11 person or another.

12 B. Whoever commits aggravated battery against a
13 household member by inflicting an injury to that person that is
14 not likely to cause death or great bodily harm, but that does
15 cause painful temporary disfigurement or temporary loss or
16 impairment of the functions of any member or organ of the body,
17 is guilty of a misdemeanor.

18 C. Whoever commits aggravated battery against a
19 household member by inflicting great bodily harm or doing so
20 with a deadly weapon or doing so in any manner whereby great
21 bodily harm or death can be inflicted is guilty of a third
22 degree felony.

23 D. Notwithstanding any provision of law to the
24 contrary, if a sentence imposed pursuant to the provisions of
25 Subsection B of this section is suspended or deferred in whole

.166421.1

underscored material = new
[bracketed material] = delete

1 or in part, the period of probation may extend beyond three
2 hundred sixty-four days but may not exceed two years."

3 Section 3. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2007.